

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

vs.

2008 LEXUS LS460, IDAHO
LICENSE PLATE# 1A 3G792, VIN:
JTHBL46F785058686,

Defendant.

NO. CV-13-152-JLQ

ORDER GRANTING FINAL ORDER
OF FORFEITURE AND ORDER
CLOSING FILE

BEFORE THE COURT is the Plaintiff United States of America's Motion for Entry of Final Order of Forfeiture (ECF No. 25). On May 23, 2013, the court granted the Government's Motion for an amended arrest warrant due to the Government's mistaken reference to an incorrect VIN number for the Defendant vehicle. The court's Order remarked on the necessity for accuracy in court filings. (ECF No. 8). Despite this warning, the caption contained in the Government's current Motion and its Proposed Order, once again, utilizes the incorrect VIN number. It also completely omits any reference to a VIN number from the proposed description of the forfeited property. The court has corrected these errors herein. The court recommends that Counsel read the February 25, 2013 National Law Journal article by Judge Douglas Lavine entitled "In advocacy, pay attention to the little things; Both during oral arguments and in written briefs, a host of small problems can build to a major distraction."

1 Plaintiff alleged in a Verified Complaint for Forfeiture In Rem that the Defendant
2 vehicle is subject to forfeiture to the United States pursuant to 49 U.S.C. § 80302. (ECF No.
3 1).

4 The court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345
5 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395. The defendant property being
6 forfeited is described as follows:

7 2008 Lexus LS460, Idaho License Plate# 1A 3G792, VIN: JTHBL46F785058686,
8 seized on or about November 1, 2012, from Brandon Sedin, in Spokane,
9 Washington, by the United States Secret Service, pursuant to a
consent search.

10 On May 23, 2013, the Clerk's office issued an Amended Warrant of Arrest
11 In Rem, pursuant to the Court's order of the same date, which was executed and
12 returned by Secret Service on the same date. (ECF Nos. 8 and 10).

13 Notice of Civil Forfeiture Action was posted on the official government website
14 beginning May 27, through June 25, 2013, as required by Rule G(4)(a)(iv)(C) of the
15 Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, as
16 evidenced by the Notice of Publication filed herein on July 12, 2013. (ECF No. 17). At the
17 latest, the claim period expired on July 26, 2013.

18 On or about May 23, 2013, B & A Distributing, Inc., was served, via certified mail,
19 return receipt requested, with a copy of the Verified Complaint for Forfeiture In Rem,
20 Amended Verified Complaint for Forfeiture In Rem, the Warrant of Arrest In Rem, the
21 Amended Warrant of Arrest In Rem, and the Notice of Complaint for Forfeiture. (ECF No.
22 12). Based upon the direct notice service date, B & A Distributing Inc.'s deadline to file a
23 timely claim was June 26, 2013. To date, no claim of interest has been received or filed with
24 the Court from B & A Distributing, Inc. On June 27, 2013, the United States served and filed
25 its Notice of Motion for Default. (ECF No. 14). On July 12, 2013, the United States filed a
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1 Motion for Default. (ECF No. 20). On July 16, 2013, the Clerk entered a default order as to
2 B & A Distributing, Inc. (ECF No. 24).

3 On or about May 23, 2013, Brandon Sedin was served, via certified mail, return receipt
4 requested, with a copy of the Verified Complaint for Forfeiture In Rem, Amended Verified
5 Complaint for Forfeiture In Rem, the Warrant of Arrest In Rem, the Amended Warrant of
6 Arrest In Rem, and the Notice of Complaint for Forfeiture. (ECF No. 11). Based upon the
7 direct notice service date, Brandon Sedin's deadline to file a timely claim was June 26, 2013.
8 To date, no claim of interest has been received or filed with the Court from Brandon Sedin.
9 On June 27, 2013, the United States served and filed its Notice of Motion for Default. (ECF
10 No. 15). On July 12, 2013, the United States filed a Motion for Default. (ECF No. 19). On
11 July 16, 2013, the Clerk entered a default order as to Brandon Sedin. (ECF No. 23).

12 On or about May 23, 2013, Melanie Irvin was served, via certified mail, return receipt
13 requested, with a copy of the Verified Complaint for Forfeiture In Rem, Amended Verified
14 Complaint for Forfeiture In Rem, the Warrant of Arrest In Rem, the Amended Warrant of
15 Arrest In Rem, and the Notice of Complaint for Forfeiture. (ECF No. 13). Based upon the
16 direct notice service date, Melanie Irvin's deadline to file a timely claim was June 26, 2013.
17 To date, no claim of interest has been received or filed with the Court from Melanie Irvin.
18 On June 27, 2013, the United States served and filed its Notice of Motion for Default.
19 (ECF No. 16). On July 12, 2013, the United States filed a Motion for Default. (ECF No. 18).
20 On July 16, 2013, the Clerk entered a default order as to Melanie Irvin. (ECF No. 22).

21 It appearing to the Court that any and all potential claimant's interest in the defendant
22 property has been resolved through the entry of the Clerk's Orders of Default as to B & A
23 Distributing, Inc., Brandon Sedin, and Melanie Irvin;

24 It also appearing to the Court that no other timely claims have been made to the
25 Defendant property;

1 **IT IS THEREFORE ORDERED** that:

2 1. The United States' Motion for the Entry of Final Order of Forfeiture of Property
3 (ECF No. 25) is **GRANTED**;

4 2. The Defendant property is hereby forfeited to the United States of America, and no
5 right, title, or interest shall exist in any other person; and

6 3. The United States shall dispose of the forfeited defendant property in accordance
7 with law.

8 The Clerk of the court shall enter this Order, provide copies to counsel, and CLOSE
9 THE FILE.

10 **DATED** this 5th day of September, 2013.

11 s/ Justin L. Quackenbush
12 JUSTIN L. QUACKENBUSH
13 SENIOR UNITED STATES DISTRICT JUDGE
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